THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — OF THE UNITED STATES — 1934

FEDERAL REGISTER

VOLUME 5 NUMBER 175

Washington, Saturday, September 7, 1940

The President

EXECUTIVE ORDER

AMENDING PARAGRAPH 1 OF EXECUTIVE ORDER NO. 8458 OF JUNE 27, 1940, DIRECTING THE CIVIL SERVICE COMMISSION TO ESTABLISH A REPLACEMENT LIST OF NON-CIVIL SERVICE EMPLOYEES FOR USE FOR TEMPORARY APPOINTMENTS TO NATIONAL-DEFENSE POSITIONS

By virtue of the authority vested in me by section 1753 of the Revised Statutes (U.S.C., title 5, sec. 631), by the Civil Service Act (22 Stat. 403), and as President of the United States, it is ordered that paragraph 1 of Executive Order No. 8458[1] of June 27, 1940, be, and it is hereby, amended to read as follows:

1. The Civil Service Commission shall establish a replacement list of employees who do not possess a competitive civil-service status, who have been involuntarily separated from the Federal service, with good records, on or after June 30, 1939, and who have had at least six months of Government service immediately prior to separation; such list to be used for temporary appointments to national-defense positions for terms not extending beyond the duration of the national-defense program.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
September 4, 1940.

[No. 8532]

[F. R. Doc. 40-3736; Filed, September 5, 1940; 12:46 p. m.]

Rules, Regulations, Orders

TITLE 8—ALIENS AND CITIZENSHIP

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE

[Supp. 1, General Order No. C-22]

AMENDED REGULATIONS GOVERNING THE REGISTRATION AND FINGERPRINTING OF ALIEN SEAMEN

AUGUST 31, 1940.

Pursuant to the authority contained in sections 37 (a), 34 (a), and 32 (c) of Title III of the "Alien Registration Act, 1940" (Public, No. 670, 76th Congress, approved June 28, 1940), § 29.8, Part 29, Title 8, Code of Federal Regulations (5 F.R. 3173) is amended to read as follows:

§ 29.8 *Registration and fingerprinting of alien seamen.* (a) Every alien seaman, as that term is defined in section 7.1 of this title (Rule 7, Subd. A, Par. 1, Immigration Rules and Regulations of January 1, 1930, as amended), who shall enter the United States (including Alaska, Hawaii, Puerto Rico, and the Virgin Islands of the United States) on or after August 27, 1940, and who does not present a receipt of registration issued within one year of such time of entry showing that he has been registered and fingerprinted in accordance with the provisions of the Alien Registration Act, 1940, shall be registered and fingerprinted by the immigrant inspector who gives him the regular inspection provided for in section 7.17 of this title (Rule 7, Subd. E, Par. 1, of aforesaid immigration rules and regulations).

(b) Any immigrant inspector, or any other person hereafter designated by the Commissioner of Immigration and Naturalization, shall be a registration officer authorized to register and fingerprint alien seamen in accordance with the provisions of this section.

(c) Registration shall be made by each alien seaman required to register, upon Form AR-102 (the primary registration form) and Form AR-103 (the attached receipt) and, in appropriate cases, on Form AR-2a (for supplemental information, to be made a part of Form AR-102) and Form AR-4 (the fingerprint form).

(d) Alien seamen who are discharged to reship foreign shall furnish the information required in paragraph (1) of § 29.4 of this part, except that the requirements of the first, second, seventh, and fifteenth sub-paragraphs shall be modified as follows:

(1) The alien shall give in full his present legal name. The alien shall list all the names by which he has ever been known, either in the United States or outside, including the maiden name of a married woman, the original name or

[1] 5 F.R. 2435.

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THE PRESIDENT

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

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names of an adopted child, business or professional name, aliases and nicknames. All names given by the alien shall be in the English alphabet.

(2) The alien shall state where his address in the United States shall be.

(7) The alien shall state the date of his first arrival in the United States. A first arrival shall be defined as the earliest arrival following which the alien remained for six months or longer.

(15) The alien shall state whether, during the past five years, he has been affiliated with or active in (a member of, official of, a worker for) organizations devoted in whole or in part to influencing or furthering in the United States the political activities, public relations, or public policy of a foreign government. If the alien has been affiliated with or active in any such groups or organizations, he shall list them. If he holds an office or official position in any such group or organization, he shall so state. The registration officer shall not undertake to enumerate or define any such groups or organizations.

(e) In the case of any other alien seaman the registration officer shall record the name of the alien and the date of registration upon Form AR–102; but the alien need not furnish any other information required therein. The registration officer shall, in such a case, take the fingerprints of the alien on Form AR–4 and the alien shall furnish all information required therein. The receipt of registration (Form AR–103) shall, in such a case, be plainly marked "Fingerprinted only".

(f) The registration forms and fingerprints of alien seamen who are registered and fingerprinted in accordance with provisions of this section shall be sent promptly by registration officers, through the appropriate district director, to the Immigration and Naturalization Service at Washington, D. C.

(g) The receipts of registration issued to alien seamen who are registered and fingerprinted in accordance with provisions of this section shall be valid for a period of one year from date of issuance. Such receipts shall be delivered to the seaman at the time of registration. Whenever any alien seaman possesses a receipt of registration which is no longer valid, he shall, when he next registers and is fingerprinted, deliver it to the registration officer.

(h) Notwithstanding any of the other provisions of this section, no alien seaman who is lawfully admitted to the United States for permanent residence, who has not abandoned such residence, and who presents to the immigrant inspector an ordinary receipt of registration (Form AR–3) shall be required to register and be fingerprinted again.

(i) Save as expressly provided in this section, the registration of alien seamen shall conform in all respects to the provisions of section 29.1 to 29.7, inclusive, of this title. (Sec. 37 (a), 34 (a) and 32 (c), Act of June 28, 1940; Public, No. 670, 76th Congress)

EDW. J. SHAUGHNESSY,
Acting Commissioner of Immigration and Naturalization.

Approved:

LEMUEL R. SCHOFIELD,
Special Assistant to the Attorney General in charge of the Immigration and Naturalization Service.

Approved:

MATTHEW F. MCGUIRE,
Acting Attorney General.

[F. R. Doc. 40–3749; Filed, September 6, 1940; 11:04 a. m.]

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS, DEPARTMENT OF THE TREASURY

[T. D. 50226]

PART 10—EXAMINATION, CLASSIFICATION, AND DISPOSITION OF SPECIAL CLASSES OF MERCHANDISE

PRIZE FIGHT AND OTHER FILMS

SEPTEMBER 3, 1940.

To Collectors of Customs and Others Concerned:

Inasmuch as the act to prohibit the importation and the interstate transportation of films or other pictorial representations of prize fights, approved July 31, 1912 (U.S.C. title 18, secs. 405–407), was repealed by an act approved June 29, 1940 (Public No. 673–76th Congress), § 10.45 [article 682], Customs Regulations of 1937, is hereby deleted. (Act of June 29, 1940, Public No. 673–76th Congress.)

The last sentence of § 10.43 [article 680], Customs Regulations of 1937, is hereby amended to read as follows:

"Collectors of customs will require importers of films to make affidavit on customs Form 3291 that the imported film contains no obscene or immoral matter, nor any matter advocating or urging treason or insurrection against the United States, or forcible resistance to any law of the United States, nor any threat to take the life of or inflict bodily harm upon any person in the United

States. (Sec. 305, 46 Stat. 688; 19 U.S.C. 1305.)"

Customs Form 3291 will be appropriately revised when it is necessary to reprint a supply thereof. Pending such revision the present form should be amended to conform to the foregoing amendments of the regulations when its use is required in connection with the importation of films.

[SEAL] W. R. JOHNSON,
Commissioner of Customs.

Approved, September 3, 1940.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 40-3750; Filed, September 6, 1940; 11:28 a. m.]

TITLE 22—FOREIGN RELATIONS

CHAPTER I—DEPARTMENT OF STATE

PART 61—VISAS; DOCUMENTS REQUIRED OF ALIENS ENTERING THE UNITED STATES

§ 61.101 *Waiver of passport and visa requirements for certain aliens*—(a) *Certain aliens in continuous transit through United States and certain aliens reentering United States after continuous transit through foreign contiguous territory.* Under the emergency provisions of section 30 of the Alien Registration Act, 1940, and of Executive Order No. 8430, of June 5, 1940,[1] citizens of Canada, Newfoundland, or Mexico, domiciled therein, and British subjects domiciled in Canada or Newfoundland do not require passports, visas, reentry permits, or border-crossing identification cards when passing from and to such country in continuous transit through the territory of the United States under arrangements satisfactory to the Immigration authorities; and aliens lawfully resident in the United States shall not require passports, visas, reentry permits, or border-crossing identification cards when reentering the United States after continuous transit through foreign contiguous territory under arrangements satisfactory to the Immigration authorities. (Sec. 30, Public, No. 670, 76th Cong., 3d sess., approved June 28, 1940; E.O. 8430, June 5, 1940)

CORDELL HULL,
Secretary of State.

AUGUST 24, 1040.

[F. R. Doc. 40-3744; Filed, September 6, 1940; 10:07 a. m.]

PART 61—VISAS; DOCUMENTS REQUIRED OF ALIENS ENTERING THE UNITED STATES

§ 61.101 *Waiver of passport and visa requirements for certain aliens* * * *

(b) *Certain aliens desiring to enter United States for period less than 30 days on any one visit.* Under the emergency provisions of section 30 of the Alien Registration Act, 1940, and of Executive Order No. 8430, of June 5, 1940,[1] citizens of Canada, Newfoundland, and Mexico domiciled therein, and British subjects domiciled in Canada or Newfoundland, desiring to enter the United States for a period of less than 30 days on any one visit, may present a passport, or document in the nature of a passport duly issued by the government of the country to which they owe allegiance, and a nonresident alien's border-crossing identification card, issued by either an American diplomatic or consular officer or by an immigrant inspector. (Sec. 30, Public, No. 670, 76th Con., 3d sess., approved June 28, 1940; E.O. 8430, June 5, 1940)

CORDELL HULL,
Secretary of State.

AUGUST 24, 1940.

[F. R. Doc. 40-3745; Filed, September 6, 1940; 10:07 a. m.]

PART 61—VISAS; DOCUMENTS REQUIRED OF ALIENS ENTERING THE UNITED STATES

§ 61.101 *Waiver of passport and visa requirements for certain aliens* * * *

(c) *Certain aliens when passing from territory of Canada to the Yukon territory of Canada in direct transit through Alaskan territory.* Under the emergency provisions of section 30 of the Alien Registration Act, 1940, and of Executive Order No. 8430, of June 5, 1940,[1] residents of Canada and Newfoundland do not require passports, visas, reentry permits, or border-crossing identification cards when passing from territory of Canada to the Yukon territory of Canada in direct transit through Alaskan territory, under arrangements satisfactory to the Immigration authorities. (Sec. 30, Public No. 670, 76th Cong., 3d sess., approved June 28, 1940; E.O. 8430, June 5, 1940)

CORDELL HULL,
Secretary of State.

AUGUST 24, 1940.

[F. R. Doc. 40-3746; Filed, September 6, 1940; 10:07 a. m.]

[1] 5 F.R. 2146.

TITLE 24—HOUSING CREDIT

CHAPTER IV—HOME OWNERS' LOAN CORPORATION

[Administrative Order No. 945]

PART 409—INSURANCE SECTION

INSTRUCTIONS REGARDING PLACING OF INSURANCE; FEE ATTORNEYS AND APPRAISERS ACTING AS INSURANCE AGENTS

Section 409.00-4 [2] is amended by deleting the second paragraph thereof.

Section 409.00-5 [2] is amended by deleting from the second sentence thereof the words "except in Tax and Insurance account cases".

(Effective date September 15, 1940)

[2] 5 F.R. 229.

(Above procedure promulgated by General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647: 12 U.S.C. 1463 (a), (k).)

Promulgated by General Manager and General Counsel of Home Owners' Loan Corporation.

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 40-3737; Filed, September 5, 1940; 3:38 p. m.]

TITLE 29—LABOR

CHAPTER V—WAGE AND HOUR DIVISION

PART 522—THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

The following Regulations, Part 522, §§ 522.040 to 522.052 (Regulations Applicable to the Employment of Learners in the Apparel Industry) are hereby issued. These regulations repeal and supersede all regulations previously issued applicable to the employment of learners in the Apparel Industry, and shall become effective upon my signing the original and upon the publication thereof in the FEDERAL REGISTER, and shall continue in force and effect until hereafter modified.

Signed at Washington, D. C., this 4th day of September 1940.

PHILIP B. FLEMING,
Administrator.

§ 522.040 *Issue of special learner certificates in the Apparel Industry.* Special certificates authorizing the employment of learners at subminimum rates in the Apparel Industry engaged in machine operations (except cutting), and in pressing, and in hand sewing, shall be issued upon the following terms and conditions to any plant making application therefor on forms provided by the Wage and Hour Division.

§ 522.041 *Number and proportion of learners for labor turnover.* Learners employed under the certificate for labor turnover shall not exceed at any one time 5 percent of the total number of productive factory workers employed in the plant, (not including office and sales personnel) provided however that if the total factory employment is less than 100, the employment of as many as 5 learners may be authorized in any certificate.

§ 522.042 *Learner occupations.* Learners may be employed only in the occupations of machine operating (except cutting), and in pressing, and in hand sewing, except that the employment of learners at a subminimum wage may be authorized in other occupations upon a showing by an individual employer making application for a special

certificate that a denial would result in a curtailment of opportunities for employment.

§ 522.043 *Length of learning period.* No worker shall be employed as a learner under the certificate after 320 hours' experience in the occupations of machine operating (except cutting), and in pressing and in hand sewing, except that where an experienced worker is transferred in the same occupation to another division of the Apparel Industry, he may be retrained as a learner at a subminimum rate for a retraining period not to exceed 160 hours.

§ 522.044 *Learner wage rate.* Learners employed under the certificate shall be paid not less than 75 percent of the minimum wage applicable to the products manufactured, pursuant to the Administrator's Wage Orders, effective July 15, 1940. Where experienced operatives are paid piece work rates, learners shall be paid the same piece work rate, and piece rate earnings if in excess of the subminimum rate.

§ 522.045 *Investigation of labor conditions.* Certificates for labor turnover shall authorize the employment of learners at subminimum rates only when experienced workers are not available in the area from which the employer customarily draws his supply of labor. Investigations of local labor market conditions when necessary shall be made with the cooperation of the Public Employment offices, employers' associations, trade unions, and by field investigations of the Wage and Hour Division. Where the information furnished with requests for renewal of turnover certificates, or where investigations made by the Division indicate that learners have been employed in such a manner as to create unfair competitive labor cost advantages for the applicant, or to depress working standards established for experienced workers for work of a like or comparable character in the industry, no certificate shall be issued.

§ 522.046 *New plants, expanding plants, and Government contract production.* Special certificates authorizing the employment of learners upon the same terms and conditions in the same occupations may be issued for a number in excess of the 5 percent allowed for labor turnover as provided above for "new plants" and "expanding plants." A "new plant" is one which is newly established and being operated for the first time, or which has not been operated more than 8 months, and in which a substantial number of workers must be trained for operations on products of the plant. "Plant expansion" means expansion by the installation of additional mechanical equipment or other production facilities.

Special certificates may also be issued authorizing the employment of learners on the same terms and conditions in the same occupations to plants operating on Government contract production required by the National Defense Program, to the extent of expanding production needs, which shall be stated in the application.

Such special certificates shall not be issued when it appears that experienced workers are available to the employer within the area from which he customarily draws his supply of labor, or that the issue of a special certificate will create unfair competitive labor cost advantages, or will impair or depress working standards established for experienced workers for work of a like or comparable character in the industry.

§ 522.047 *Revocation of special learner certificates.* (a) Any special certificate may be canceled if it is found that it is not necessary to prevent a curtailment of opportunities for employment; *Provided, however,* That when experienced workers become available after a certificate has been issued, the certificate may be canceled in so far as future employment is concerned, or may be allowed to continue in effect, upon condition that the employer does not hire additional learners under it until experienced workers are not again available. In the absence of fraud or misrepresentation learners already hired under a special certificate may be retained under the terms of the certificate if the learning period extends beyond the date on which the certificate has been canceled.

(b) Any special certificate shall be canceled as of the date of issue if it is found that the certificate has been obtained by fraud or misrepresentation, or that learners have been employed thereunder in violation of the terms of the certificate. When a certificate has been obtained by fraud or misrepresentation the employer shall be liable to the employee for wages established by the Act as if no certificate had issued.

(c) Any special certificate shall be canceled as of the first date of violation if it is found that any of its terms have been violated, and the employer shall be liable to those employed under such certificate, from the date of the violation, for wages established by the Act, as if no certificate had issued.

§ 522.048 *Definitions of learner.* Only learners may be employed at a subminimum wage under certificates issued, subject to the provision respecting retraining contained in § 522.043 above. In these regulations the term learner means:

(a) A person employed as a machine operator (except cutting) who has not been so employed within the previous two years in the Apparel Industry for more than 320 hours.

(b) A person employed as a hand sewer who has not been so employed within the previous two years in the Apparel Industry for more than 320 hours.

(c) A person employed as a presser who has not been so employed within the previous two years in the Apparel Industry for more than 320 hours.

§ 522.049 *Definition of experienced worker.* An experienced worker for the purpose of these regulations is hereby defined as any person who has been employed in private industry in the same occupation during the previous two years for more than 320 hours as a machine operator, hand sewer, or presser, except for the provision respecting retraining contained in § 522.043.

§ 522.050 *When experienced workers are available.* The terms "available" and "experienced" as used in these regulations shall be construed in the following manner: that experienced workers should be available within the area from which the employer customarily draws his labor supply, or that such workers have in fact made themselves available to the employer at the plant or place of employment, and have signified their readiness to accept and to continue in employment. Such workers should also possess the requisite 320 hours' experience obtained within the preceding two years and also be productive to an average degree and capable of equaling the performance of a worker of average or ordinary skill and experience. The merits of particular cases involving availability and the definition of an experienced worker, which present singular or unusual facts and circumstances, will be given due consideration.

§ 522.051 *Definition of Apparel Industry.* The definition of the term "Apparel Industry" for the purpose of this Order, shall be the same as that used in the Administrator's Wage Orders for the Industry as published in the FEDERAL REGISTER, except that the following Divisions or Branches of the Industry are excluded therefrom:

Caps and Cloth Hats.
Ladies' Handbags.
Men's and Boys' Clothing.
Women's Cloaks, Suits, and Separate Skirts.
Covered Buttons and Buckles.
Garters, Suspenders, and Arm Bands.
Men's Neckwear and Scarfs.
Better Grade Dresses (Dresses other than House Dresses and Kindred Articles of Apparel).
Handkerchiefs.
Embroideries.
Belts.
Gloves.
Artificial Fowers.

§ 522.052 *Applications from plants within excluded divisions.* Individual plants within the excluded divisions may make application to the Director of the Hearings Branch for special certificates and may obtain such certificates upon showing that otherwise a curtailment of opportunities for employment will result, and that the issue of such certificate will not create unfair competitive labor cost advantages, nor impair or depress working standards established for experienced workers for work of a like or comparable character.

[F. R. Doc. 40-3758; Filed, September 6, 1940; 11:52 a. m.]

TITLE 47—TELECOMMUNICATION

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 2—GENERAL RULES AND REGULATIONS

FREQUENCY ALLOCATIONS

The Commission on September 4, 1940, effective immediately, modified Part I of Appendix B to read, with respect to the particular frequencies hereinafter designated, as follows:

Frequency (kilocycles):	*Allocation*
2636	Aviation.
2638	Intership.
2640	Aviation.

(Sec. 4 (i), 48 Stat. 1066; 47 U.S.C. 154 (i)—Sec. 303 (c), 48 Stat. 1082; 47 U.S.C. 303 (c))

By the Commission.

[SEAL] JOHN B. REYNOLDS,
Acting Secretary.

[F. R. Doc. 40-3732; Filed, September 5, 1940; 12:23 p. m.]

PART 8—RULES GOVERNING SHIP SERVICE

FREQUENCY ALLOCATION AMENDED

The Commission on September 4, 1940, effective immediately, amended § 8.81 by adding an additional subsection reading as follows:

"(f) To ship telephone stations for communication with other ship telephone stations only:

2638

"Ship stations shall not be operated on this frequency when on the Great Lakes, on inland waters of the continental United States, or when south of north latitude 18 degrees."

(Sec. 4 (i), 48 Stat. 1066; 47 U.S.C. 154 (i)—Sec. 303 (c), 48 Stat. 1082; 47 U.S.C. 303 (c))

By the Commission.

[SEAL] JOHN B. REYNOLDS,
Acting Secretary.

[F. R. Doc. 40-3733; Filed, September 5, 1940; 12:23 p. m.]

PART 8—RULES GOVERNING SHIP SERVICE

FREQUENCY ALLOCATIONS AMENDED

The Commission on September 4, 1940, effective immediately, took the following actions:

Amended § 8.94 to read:

§ 8.94 *Shared use of 2638 and 2738 kilocycles.* (a) Any one exchange of communications between any two ship stations on 2638 kc or on 2738 kc, or between a ship and a coastal station on the frequency 2738 kc, shall not exceed 5 minutes in duration after the two stations have established contact by calling and answering. Subsequent to such exchange of communications, neither the frequency 2638 kc nor 2738 kc shall again be used for communication between the same two stations until 15 minutes have elapsed: *Provided,* That this requirement shall in no way limit or delay the transmission of distress or emergency communications.

(b) The alternate transmission on 2638 kc or 2738 kc by each of two ship stations, engaged in any one exchange of signals or communications with each other, shall take place on only one of these frequencies and for this purpose, both stations shall transmit and receive on the same frequency; *Provided,* That this requirement is waived in the event of emergency when by reason of interference or limitation of equipment this method of communication cannot be used.

Amended § 8.95 to read:

§ 8.95 *Primary purpose of 2638 and 2738 kilocycles.*—The frequencies 2638 kc and 2738 kc shall be used by ship radio stations primarily for the exchange of communications relating to the safety of navigation and to the ship's business. The exchange of any other communications on these frequencies is authorized upon the express condition that interference shall not be caused to the handling of messages relating to the safety of navigation and the ship's business, with due regard to the priority of communications designated by § 8.42.

(Sec. 4 (i), 48 Stat. 1066; 47 U.S.C. 154 (i)—Sec. 303 (c), 48 Stat. 1082; 47 U.S.C. 303 (c))

By the Commission.

[SEAL] JOHN B. REYNOLDS,
Acting Secretary.

[F. R. Doc. 40-3734; Filed, September 5, 1940; 12:23 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

CHAPTER I—INTERSTATE COMMERCE COMMISSION

CORPORATE REORGANIZATION UNDER CHAPTER 10, TITLE 11, OF THE UNITED STATES CODE, SUPPLEMENT V, OF CARRIERS AND CORPORATIONS SUBJECT TO THE PROVISIONS OF CHAPTER I, TITLE 49, OF SAID CODE

At a session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 22nd day of August, A. D. 1940.

The Commission having under consideration the provisions of Section 577 of Chapter 10, Title 11, of the United States Code, Supplement V, reading as follows:

Approval of plan for public utility. In case a debtor is a public-utility corporation, subject to the jurisdiction of a commission having regulatory jurisdiction over the debtor, a plan shall not be approved, as provided in section 574 of this title, until—

(1) it shall have been submitted to each such commission;

(2) an opportunity shall have been afforded each such commission to suggest amendments or offer objections to the plan; and

(3) the judge shall have considered such amendments or objections at a hearing at which such commission may be heard.

It is ordered, That a duly authenticated copy and five additional copies of each such plan for the reorganization of a debtor corporation, subject to the jurisdiction of this Commission under Chapter 1, Title 49, of the United States Code, shall be submitted to this Commission by the proponent of such plan not later than ten days after its tender to the court in which the reorganization proceeding is pending;

It is further ordered, That, in the event the debtor be a common carrier by railroad engaged in the transportation of persons or property in interstate commerce, or a lessor of such railroad, or a corporation considered as a carrier under the provisions of Section 5 (5), Chapter 1, Title 49, of the United States Code, which is, or may be, subject to the jurisdiction of this Commission under Chapter 1 of said Title 49, and which is not, or may not be, a railroad corporation as that term is used in Section 77 of the Bankruptcy Act, as amended, there shall be submitted to this Commission, together with the plan of reorganization:

I. An original verified statement, and five copies thereof, showing:

(a) Date of filing of petition for reorganization.

(b) Date of approval of petition for reorganization.

(c) Whether the debtor's properties are operated under lease or under other arrangement, as part of a general railroad system of transportation, or a general steam railroad system of transportation, and, if so, the name of such system, and the character of operating arrangement.

(d) Whether the debtor is controlled by stock ownership or otherwise, as part of such system and the name of the person exercising such control.

(e) Whether the plan involves any new construction, extension, acquisition, or abandonment of lines, or the acquisition or abandonment of any trackage rights.

(f) If a transfer or lease of, or operating contract covering the debtor's property, or a transfer of control of the debtor through stock ownership, or a consolidation or merger of the debtor with any other carrier or carriers is contemplated under the plan of reorganization, the name and address, if known, of such transferee, or of the consolidating, merging, or controlling company, including affiliates of such transferee, etc., with other carriers subject to the Interstate Commerce Act.

II. Six copies, one verified, of:

(a) Articles of incorporation of the debtor.

(b) Articles of incorporation proposed for the reorganized debtor or any amendments to the existing articles of

incorporation to be made as a result of the reorganization.

(c) Balance sheet of the debtor as of the latest date for which it is available preceding the date of filing the petition.

(d) Income account of the debtor for the calendar year immediately preceding bankruptcy and for succeeding years up to the end of the last full month prior to filing the information, the income account to show total operating revenues and the amount of operating revenues from the transportation of freight in standard steam railroad freight equipment.

(e) If under the plan of reorganization there is contemplated an issue of securities or assumption of obligation or liability as lessor, lessee, corporate endorser, surety, or otherwise in respect of the securities of any other person by the debtor or prospective transferee, a statement showing securities of the debtor or prospective transferee outstanding, securities to be issued, and obligations and liabilities to be assumed, segregated by classes and amounts (par value or, if such have no par value, the fair market value thereof as of date of issue).

It is further ordered, That notice of the time and place of any hearing in court on any proposed plan of reorganization of a debtor corporation, subject to the jurisdiction of this Commission, in such proceedings shall be filed by the proponent of the plan with the Secretary, Interstate Commerce Commission, Washington, D. C.

By the Commission, division 4.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 40-3741; Filed, September 6, 1940; 10:01 a. m.]

TITLE 50—WILDLIFE

CHAPTER I—FISH AND WILDLIFE SERVICE

PART 12—ADMINISTRATION OF NATIONAL WILDLIFE REFUGES: GENERAL REGULATIONS

Under authority of section 401 of the act of June 15, 1935, 49 Stat. 383, the administration of which was transferred to the Secretary of the Interior on July 1, 1939, by Reorganization Plan No. II (53 Stat. 1431), the "Schedule of prices under which surplus big-game animals may be offered for sale", approved August 25, 1939,[1] by the Secretary of the Interior, is revised and amended, effective September 16, 1940, to read as follows:

§ 12.51 *Schedule of prices under which surplus big game animals may be offered for sale.*

Schedule 1. Live animals captured, crated in individual crates, and delivered to transportation company or to purchaser's truck:

Buffalo: Mature animals—not less than 2 years of age, $60 each. Animals under 2 years of age, $50 each.

Elk: Mature animals—not less than 2 years of age, $55 each. Animals under 2 years of age, $50 each.

Mule deer, $45 each.

Schedule 2. Live animals corralled and delivered to purchaser's truck or crate at the capturing corral on the preserve:

Buffalo: Mature animals—not less than 2 years of age, $50 each. Animals under 2 years of age, $40 each.

Elk: Mature animals—not less than 2 years of age, $45 each. Animals under 2 years of age, $40 each.

Mule deer, $35 each.

Schedule 3. Animals butchered, dressed, and quartered, and the carcass, hide, and head prepared for shipment and delivered to transportation company or purchaser's truck:

Buffalo: Mature animals—not less than 2 years of age, $55 each. Animals under 2 years of age, $45 each.

Elk: Mature animals—not less than 2 years of age, $50 each. Animals under 2 years of age, $45 each.

Mule deer, $35 each.

Schedule 4. Animals butchered, hog-dressed, and delivered to purchaser at refuge slaughterhouse, but removed therefrom and skinned by purchaser:

Buffalo: Mature animals—not less than 2 years of age, $50 each. Animals under 2 years of age, $40 each.

Elk: Mature animals—not less than 2 years of age, $45 each. Animals under 2 years of age, $40 each.

Mule deer, $30 each.

White-tailed deer, when surplus to any particular refuge, may be disposed of at the best prices obtainable under local conditions.

In order, so far as possible, to meet the demand from individuals and organizations for buffalo and elk meat, not more than 50 percent of the surplus animals offered for sale in any season at a particular refuge for butchering purposes, and in any event not to exceed 25 animals of each species, may be sold to one individual, company, or corporation.

A. J. WIRTZ,
Acting Secretary of the Interior.

AUGUST 26, 1940.

[F. R. Doc. 40-3793; Filed, September 6, 1940; 9:25 a. m.]

[1] 4 F.R. 4263.

Notices

DEPARTMENT OF STATE.

[Departmental Order No. 875]

WAIVER OF DOCUMENTATION REQUIREMENTS FOR CERTAIN ALIEN PERSONNEL MEMBERS OF TRANSPORTATION LINES

Under the emergency provisions of section 30 of the Alien Registration Act, 1940, and of Executive Order No. 8430, of June 5, 1940,[1] alien members of operating personnel of transportation lines operating regular services, who shall not have obtained the appropriate documentation before August 27, 1940, shall be exempted from such requirements until September 15, 1940, in order to avoid any disruption in such essential services.

[SEAL] CORDELL HULL,
Secretary of State.

AUGUST 24, 1940.

[F. R. Doc. 40-3743; Filed, September 6, 1940; 10:07 a. m.]

DEPARTMENT OF AGRICULTURE.

Surplus Marketing Administration.

[Docket No. A-136-1; O-136-1]

NOTICE OF REOPENING OF HEARING WITH RESPECT TO PROPOSAL TO AMEND TENTATIVELY APPROVED MARKETING AGREEMENT, AS AMENDED, AND ORDER NO. 22, AS AMENDED, REGULATING HANDLING OF MILK IN CINCINNATI, OHIO, MARKETING AREA

Whereas pursuant to the provisions of Public Act No. 10, 73rd Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, and of the General Regulations, Series A, No. 1, as amended,[2] of the Agricultural Adjustment Administration, United States Department of Agriculture, the Secretary of Agriculture held a hearing[3] at Cincinnati, Ohio, on July 17, 19, and 20, 1940, in connection with a proposal to amend the tentatively approved marketing agreement, as amended and Order No. 22, as amended, regulating the handling of milk in the Cincinnati, Ohio, marketing area; and

Whereas the Secretary desires further information as to the proposed method of computation of the quantity of milk in each class and all other proposed changes:

Now, therefore, notice is hereby given of the reopening of said hearing at the Hotel Netherland Plaza, Fifth and Race Streets, Cincinnati, Ohio, at 10:00 a. m., c. s. t., on September 11, 1940.

This reopening is for the purpose of receiving additional evidence as to the necessity for (1) including a base-rating plan of payment in said agreement and said order, (2) revising the computation of the uniform price of milk, (3) revising the method of computing the quantity of milk in each class, (4) revising the class prices of milk, (5) revising the butterfat differential, (6) clarifying the provisions relative to the pricing of milk sold outside the marketing area, (7) revising the method of computing the value of milk for each handler, and (8) making any changes in Order No. 22, as amended, required by the adoption of any of the proposed amendments.

[1] 5 F.R. 2146.
[2] 1 F.R. 155.
[3] 5 F.R. 2552.

Copies of the proposed amendments to said tentatively approved marketing agreement, as amended, and said order, as amended, may be obtained from the Hearing Clerk, Office of the Solicitor, Room 0310 South Building, United States Department of Agriculture, Washington, D. C., or may be there inspected.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

Dated, September 5, 1940.

[F. R. Doc. 40-3747; Filed, September 6, 1940; 10:10 a. m.]

[Docket No. A-139 O-139]

NOTICE OF HEARING WITH RESPECT TO PROPOSED AMENDMENTS TO MARKETING AGREEMENT, AS AMENDED, AND ORDER, AS AMENDED, REGULATING HANDLING OF WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

Whereas pursuant to the provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), notice of hearing is required in connection with a proposed marketing agreement, a proposed order, or proposed amendments thereto, and the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration, United States Department of Agriculture, provide for such notice; and

Whereas the Control Board, established pursuant to the provisions of the marketing agreement, as amended, and the order, as amended, regulating the handling of walnuts grown in California, Oregon, and Washington (hereinafter referred to as the "marketing agreement, as amended, and order, as amended"), has submitted to the Secretary of Agriculture of the United States (hereinafter referred to as the "Secretary"), certain proposed amendments to the marketing agreement, as amended, and order, as amended, and requested the Secretary to call a hearing for the consideration of said proposed amendments; and

Whereas, the Secretary has reason to believe that the execution of the additional amendments to said marketing agreement, as amended, and the issuance of additional amendments to the aforesaid order, as amended, will tend to effectuate the declared policy of the act:

Now, therefore, pursuant to the said act and the said General Regulations, notice is hereby given of a hearing to be held on certain proposed amendments to the marketing agreement, as amended, and certain proposed amendments to the order, as amended, regulating the handling of walnuts grown in California, Oregon, and Washington; and said hearing is to be held in the Comstock Room, Palace Hotel, San Francisco, California, on September 12, 1940, at 9:30 a. m., P. s. t.

This hearing is for the purpose of receiving evidence as to the general economic conditions which may, in order to effectuate the declared policy of the act, necessitate said amendments to the aforesaid marketing agreement, as amended, and order, as amended, and as to the specific provisions which said proposed amendments to the marketing agreement, as amended, and order, as amended, should contain.

The proposed amendments to the marketing agreement, as amended, and the proposed amendments to the order, as amended, provide, in similar terms, that (a) the salable percentage for the crop year September 1, 1940, to August 31, 1941, shall be seventy-five (75) percent, and (b) the surplus percentage for the crop year ending August 31, 1941, shall be twenty-five (25) percent.

Copies of the proposed amendments to the marketing agreement, as amended, and the proposed amendments to the order, as amended, may be obtained from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 0310, South Building, Washington, D. C., or may be there inspected.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

Dated: September 6, 1940.

[F. R. Doc. 40-3759; Filed, September 6, 1940; 12:14 p. m.]

DEPARTMENT OF COMMERCE.

Civil Aeronautics Board.

[Docket No. 459]

IN THE MATTER OF THE PETITION OF PAN AMERICAN-GRACE AIRWAYS, INC., FOR AMENDMENT OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTIONS 401 (H) AND (K) OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF HEARING

The above-entitled proceeding, being the petition of Pan American-Grace Airways, Inc., for amendment of the certificate issued to petitioner authorizing the transportation of persons, property and mail between the terminal points Cristobal, Canal Zone, and Buenos Aires, Argentina, via various intermediate points, so as (1) to include therein authority to continue the transportation of persons, property and mail to and from Quito, Ecuador; (2) to authorize the abandonment of Villazon, Bolivia; Tumaco, Colombia; and Jujuy, Argentina, as intermediate points, and of Trujillo, Peru, as a regular intermediate stop, and to authorize service of passengers and property to Trujillo on a non-scheduled basis; (3) to authorize the carriage of mail to Chiclayo, Peru; and (4) to eliminate the restriction contained in the above certificate on the carriage of mail to Arica, Chile; is hereby assigned for public hearing on September 30, 1940, 10 o'clock a. m. (Eastern Standard Time) at the Mayflower Hotel, Connecticut Avenue and DeSales St. N.W., Washington, D. C., before Examiner Albert E. Forster.

Dated Washington, D. C., September 4, 1940.

By the Civil Aeronautics Board.

[SEAL] THOMAS G. EARLY,
Acting Secretary.

[F. R. Doc. 40-3739; Filed, September 6, 1940; 9:11 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

REVISED NOTICE OF PUBLIC HEARING BEFORE THE SPECIAL INDUSTRY COMMITTEE FOR PUERTO RICO FOR THE PURPOSE OF RECEIVING EVIDENCE TO BE CONSIDERED IN RECOMMENDING MINIMUM WAGE RATES FOR EMPLOYEES IN PUERTO RICO ENGAGED IN THE NEEDLEWORK INDUSTRIES

Whereas, on August 27, 1940, there was published in the FEDERAL REGISTER notice of hearing to be held in Puerto Rico beginning September 30, 1940, before the Special Industry Committee for Puerto Rico, and

Whereas, it is now deemed advisable to advance the date of said public hearing,

Now, therefore, the above notice of hearing is hereby amended and notice is hereby given that said hearing will be held beginning at 10 A. M. Thursday, September 26, 1940, at the Chamber of Commerce Auditorium, San Juan, Puerto Rico. Notice is also hereby given that economic material to be presented by the Administrator to said committee at said hearing will be available for inspection by all interested parties on and after September 19, 1940, at the office of the Wage and Hour Division of the U. S. Department of Labor, El Banco Popular Building, San Juan, Puerto Rico, and at the offices of the Wage and Hour Division of the U. S. Department of Labor in Washington, D. C.

Signed at Washington, D. C., this 5th day of September, 1940.

FRANCIS J. HAAS,
Chairman, Special Industry Committee for Puerto Rico.

[F. R. Doc. 40-3757; Filed, September 6, 1940; 11:52 a. m.]

NOTICE OF FINAL DETERMINATION RE EMPLOYMENT OF LEARNERS IN THE KNITTED FABRIC DIVISION OF THE GLOVE BRANCH OF THE APPAREL INDUSTRY AT WAGE RATES LESS THAN THE APPLICABLE MINIMUM SPECIFIED

Whereas, the Work Glove Institute, National Association of Leather Glove Mfgs., Inc., Underwear Institute, and sundry other parties, made application under Section 14 of the Fair Labor Standards

Act of 1938, 52 Stat. 1060, and Regulations, Part 522, as amended (Regulations applicable to the Employment of Learners pursuant to Section 14 of the Fair Labor Standards Act—Title 29, Labor, Chapter V, Wage and Hour Division) issued by the Administrator thereunder, for permission to employ learners in the glove branch of the apparel industry at wages less than the applicable minimum wage specified in Section 6 of the Act; and

Whereas, a public hearing on said applications was held before Merle D. Vincent, the representative of the Administrator of the Wage and Hour Division duly authorized to conduct the hearing and to determine both under the minimum wage rates applicable October 24, 1939, and under such higher minimum wage rates as were recommended by Industry Committee No. 2 for the apparel industry:

(a) What, if any, occupation or occupations in the glove branch of the apparel industry require a learning period, and

(b) the factors which may have a bearing upon curtailment of opportunities for employment within the glove branch of the apparel industry, and

(c) under what limitations as to wages, time, number, proportion, and length of service, special certificates may be issued to employers in the glove branch of the apparel industry for whatever occupation or occupations, if any, are found to require a learning period.

As used in the notice of hearing the term "glove branch of the apparel industry" was defined as "The manufacture of all gloves and mittens (except athletic), other than work gloves and mittens, from leather, woven or knitted fabrics, or from any combinations of these materials, and the manufacture of work gloves and mittens from fabric, leather, or fabric and leather combined, or knitted materials," and

Whereas, following said hearing the said Merle D. Vincent duly made his findings and determination and filed same with the Administrator on February 8, 1940. Said findings and determination which are now on file in Room 5144, U. S. Department of Labor Building, Washington, D. C., and are there available for examination by all interested parties, contain the following determination and order:

"Upon the whole record of evidence, I determine and order:

"1. Effective on or after February 20, 1940, Special Certificates permitting the employment of learners, at subminimum rates may be issued under the conditions set forth below to all plants in the Glove Branch of the Apparel Industry making application therefor representing that experienced workers are not available to the plant, unless experienced workers are found to be available.

"(a) Learners employed under the certificate shall not exceed 5 percent of the total number of workers in the plant engaged in hand and machine stitching operations on leather dress gloves; and in machine stitching operations on knit fabric and work gloves; and in finger knitting and finger closing operations on knit wool gloves, provided that as many as 5 learners may be authorized in any certificate.

"(b) No person shall be employed as a learner under the certificate longer than 480 hours.

"(c) Learners employed under the certificate shall be paid not less than 25 cents per hour. In plants where experienced operators are paid on a piecework rate, learners shall be paid at least the same piecework rate and shall receive earnings paid on this rate if they earn in excess of 25 cents per hour.

"(d) Only learners shall be employed at a subminimum wage under the certificate and no learner shall be employed under the certificate unless hired when an experienced worker was not available.

"(e) No learners shall be employed at a subminimum wage under the certificate until and unless the certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

"2. Any special certificate issued pursuant to this order may be cancelled as of the date of issue if it is found that such certificate was issued when experienced workers were available or if the applicant knowingly made false or misleading statements in his application, and may be cancelled prospectively or as of the date of violation if it is found that any of its terms have been violated or that skilled workers have become available. No certificate issued pursuant to this order shall be valid after October 24, 1940, unless extended by order or otherwise.

"3. In this order, the term 'learner' means:

"(a) In the leather dress branch, a person who has not been employed during the preceding three years for more than 480 hours in the aggregate in hand or machine stitching operations on leather dress gloves.

"(b) In the knit fabric branch, a person who has not been employed during the preceding three years for more than 480 hours in the aggregate in machine stitching operations on leather dress or knit fabric gloves.

"(c) In the work glove branch, a person who has not been employed during the preceding three years for more than 480 hours in the aggregate in machine stitching operations in any type of glove manufacture.

"(d) In the knit wool branch, a person who has not been employed during the preceding three years for more than 480 hours in the aggregate on finger knitting and finger closing operations;

"and the term 'Glove Branch of the Apparel Industry' includes leather dress gloves, knit fabric gloves, work gloves, and knit wool gloves.

"I further order that the record be kept open to receive additional testimony on the possible need for and terms of the employment of learners at subminimum rates in the cutting occupation in the leather dress branch of the Glove Branch of the Apparel Industry,"

and

Whereas, the Administrator caused to be published in the FEDERAL REGISTER of February 20, 1940 (5 F.R. 714), a notice which set forth the aforesaid findings and determination and stated that pursuant to § 522.13 of the Regulations of the Wage and Hour Division as amended, petitions for review of the action of the said representative might be filed by interested parties within fifteen days after February 20, 1940, and

Whereas, a petition for review of those parts of the aforementioned findings and determination which relate to the knitted fabric division of the glove branch of the apparel industry was duly filed by the Underwear Institute and no petition for review of those parts of the said findings and determination which relate to any other division of the glove branch of the apparel industry was filed within the aforementioned fifteen-day period, and

Whereas, the Administrator caused to be published in the FEDERAL REGISTER of March 22, 1940, (5 F.R. 1128), a notice which stated that a petition for review of those parts of the aforesaid findings and determination which related to the knitted fabric division of the glove branch of the apparel industry was granted and that the Administrator, for the purpose of reviewing those parts of the aforesaid findings and determination which related to the knitted fabric division of the glove branch of the apparel industry would receive briefs from interested parties either in support of or in opposition to those parts of the aforesaid findings and determination which related to the knitted fabric division of the glove branch of the apparel industry provided that such briefs were filed with the Administrator prior to the close of business on April 13, 1940, and

Whereas, the Administrator has reviewed the record made before the Presiding Officer, his findings and determination and briefs received from interested persons, and

Whereas, I, Philip B. Fleming, Administrator, have found that the aforesaid findings and determination of the Presiding Officer are correct;

Now, therefore, it is hereby ordered that the findings and determination of the Presiding Officer in the matter of the application of the Work Glove Institute, National Association of Leather Glove Mfgs., Inc., Underwear Institute, et al., to employ learners at wages less than the minimum wage applicable under section 6 of the Fair Labor Stand-

ards Act are approved and shall remain in effect.

Signed at Washington, D. C., this 29th day of August 1940.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 40-3754; Filed, September 6, 1940; 11:50 a. m.]

SUPPLEMENTARY DETERMINATION NO. 1, IN THE MATTER OF APPLICATION FOR THE EXEMPTION OF THE QUARRYING OF CRUSHED STONE FROM SURFACE OR OPEN CUTS FROM THE MAXIMUM HOURS PROVISIONS OF THE FAIR LABOR STANDARDS ACT OF 1938, ETC.

Whereas the Administrator determined after a public hearing held before Harold Stein, Presiding Officer, on June 19, 1939 that:

1. There is a branch of the crushed stone industry wherein the plants normally shut down for about six months each year, except for an insubstantial amount of production that may be produced shortly before or shortly after the main production season. This branch is located in the colder and, in general, more northerly parts of the United States; and

3. The plants in the northern branch cease operation annually at a regularly recurring season of the year, except for sales, maintenance, and similar work, because the materials used by the industry are not available for excavation, handling and processing in the form in which they must be excavated, handled, and processed, i.e., as unfrozen ledges and banks of blasted rock, because of climatic factors; and

4. The northern branch of the crushed stone industry is an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Act and Part 526 of regulations issued thereunder; and

Whereas paragraph (8) of the above Determination provides that it shall be without prejudice to a supplementary determination enlarging the scope of the northern branch by the inclusion therein of such plants or groups of plants, if any, as operate in the same manner and for the same reasons as the plants in the northern branch described in paragraphs 1 and 3 above; and

Whereas the Ohio Crushed Stone Association filed an application with the Wage and Hour Division, United States Department of Labor, on behalf of The Gottron Bros. of Fremont, Ohio, pursuant to paragraph (8) of the above cited original determination in the matter of the crushed stone industry, to include the excavating, hauling, and processing of crushed stone by The Gottron Bros. at Fremont, Sandusky County, Ohio; and

Whereas it appeared from the application filed by the Ohio Crushed Stone Association on behalf of The Gottron Bros. of Fremont, Ohio, that the crushed stone plant of the aforesaid company in Sandusky County, Ohio, operates in the same manner and for the same reason as the plants in the northern branch described in paragraphs 1 and 3 of the original determination.

Whereas the Administrator caused to be published in the FEDERAL REGISTER on August 9, 1940, (5 F.R. 2798), a notice setting forth the above mattters which stated that, upon consideration of the facts stated in the said application for supplementary determination, the Administrator determined, pursuant to § 526.5 (b) (ii), as amended, of the regulations, that a *prima facie* case had been shown for enlarging the scope of the northern branch of the crushed stone industry, in accordance with paragraph (8) of the original determination and pursuant to section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526, as amended, of the regulations issued thereunder to include the crushed stone plant of The Gottron Bros. in Sandusky County, Ohio, and which notice stated further that, if no objection and request for hearing was received within fifteen days, the Administrator would make a finding upon the *prima facie* case shown on the application; and

Whereas no objection and request for hearing was received by the Administrator within the fifteen days following the publication of said notice;

Now, therefore, pursuant to § 526.5 (b) (ii), of the regulations, as amended, the Administrator hereby finds, upon the *prima facie* case shown in the said application, that the crushed stone plant of The Gottron Bros. in Sandusky County, Ohio, should be and it is hereby included within the northern branch of the crushed stone industry, in accordance with paragraph (8) of the original determination and pursuant to section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526, as amended, of the regulations issued thereunder.

Signed at Washington, D. C., this 29th day of August, 1940.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 40-3755; Filed, September 6, 1940; 11:51 a. m.]

SUPPLEMENTARY DETERMINATION NO. 7, IN THE MATTER OF APPLICATION FOR THE EXEMPTION OF THE QUARRYING OF CRUSHED STONE FROM SURFACE OR OPEN CUTS FROM THE MAXIMUM HOURS PROVISIONS OF THE FAIR LABOR STANDARDS ACT OF 1938, ETC.

Whereas, the Administrator determined after a public hearing held before Harold Stein, Presiding Officer, on June 19, 1939 that:

1. There is a branch of the crushed stone industry wherein the plants normally shut down for about six months each year, except for an insubstantial amount of production that may be produced shortly before or shortly after the main production season. This branch is located in the colder and, in general, more northerly parts of the United States; and

3. The plants in the northern branch cease operation annually at a regularly recurring season of the year, except for sales, maintenance, and similar work, because the materials used by the industry are not available for excavation, handling and processing in the form in which they must be excavated, handled, and processed, i. e., as unfrozen ledges and banks of blasted rock, because of climatic factors; and

4. The northern branch of the crushed stone industry is an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Act and Part 526 of regulations issued thereunder; and

Whereas paragraph (8) of the above Determination provides that it shall be without prejudice to a supplementary determination enlarging the scope of the northern branch by the inclusion therein of such plants or groups of plants, if any, as operate in the same manner and for the same reasons as the plants in the northern branch described in paragraphs 1 and 3 above; and

Whereas the National Crushed Stone Association, Inc., filed an application with the Wage and Hour Division, United States Department of Labor, on behalf of the North Mountain Crushed Stone Company of Luzerne, Pennsylvania, pursuant to paragraph (8) of the above cited original determination in the matter of the crushed stone industry, to include the excavating, hauling, and processing of crushed stone by the North Mountain Crushed Stone Company, near Harvey's Lake, Luzerne County, Pennsylvania; and

Whereas it appears from the application filed by the National Crushed Stone Association, Inc., on behalf of the North Mountain Crushed Stone Company of Luzerne, Pennsylvania, that the crushed stone plant of the aforesaid company in Luzerne County, Pennsylvania, operates in the same manner and for the same reason as the plants in the northern branch described in paragraphs 1 and 3 of the original determination.

Now, therefore, upon consideration of the facts stated in the said application for supplementary determination, the Administrator hereby determines, pursuant to § 526.5 (b) (ii), as amended, of the regulations, that a *prima facie* case has been shown for enlarging the scope of the northern branch of the crushed stone industry, in accordance with paragraph (8) of the original determination and pursuant to section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526, as amended, of the regulations issued thereunder to include the crushed stone plant of the North Mountain Crushed Stone Company, in Luzerne County, Pennsylvania.

In accordance with the procedure established by § 526.5 (b) (ii), as amended, of the regulations, the Administrator for fifteen days following the publication of this determination will receive objection to the granting of the exemption and request for hearing from any interested person. Upon receipt of objection and request for hearing, the Administrator will set the application for the hearing before himself or an authorized representative.

If no objection and request for hearing is received within fifteen days, the Administrator will make a finding upon the *prima facie* case shown upon the application.

The application may be examined in Room 5220, U. S. Department of Labor, Washington, D. C.

Signed at Washington, D. C., this 29th day of August 1940.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 40-3756; Filed, September 6, 1940; 11:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Order No. 75-B]

FURTHER EXTENSION OF TIME FOR RADIO OPERATORS TO FILE RESPONSES

The Commission having under consideration its Order No. 75, as amended by Order No. 75-A [1] on August 6, 1940, requiring, in part, that on or before the 15th day of September, 1940, each radio operator who holds an outstanding commercial or amateur radio operator license issued by this Commission shall file with the Commission his response, under oath, to a questionnaire attached to Order No. 75;

It is ordered, That the time within which responses in accordance with the first ordering paragraph of Order No. 75 must be filed with the Commission be, and it is hereby, further extended until October 15, 1940: *Provided however*, That in all other respects the responses to that Order shall be filed in accordance with the provisions thereof.

This Order shall take effect on the 4th day of September, 1940.

By the Commission.

[SEAL] JOHN B. REYNOLDS,
Acting Secretary.

[F. R. Doc. 40-3735; Filed, September 5, 1940; 12:24 p. m.]

[Docket No. 5895]

IN THE MATTER OF INCREASED RATES FOR MESSAGE TELEGRAPH SERVICE FROM THE UNITED STATES, ITS TERRITORIES AND ITS POSSESSIONS TO SALVADOR

ORDER

At a session of the Federal Communications Commission, held at its office in Washington, D. C., on the 4th day of September 1940.

The Commission having under consideration its Order in the above matter dated August 14, 1940,[1] instituting an investigation and suspension proceeding, and

It appearing, that since the adoption of said Order, Globe Wireless, Ltd. has filed with the Commission 4th Revised Page No. 377 of its Tariff F.C.C. No. 11 and 1st Revised Page No. 20 of its Tariff F.C.C. No. 19, to become effective September 23, 1940, whereby the company proposes to increase rates applicable to all classes of telegraph messages except ordinary press messages from points in the United States, its territories and its possessions to Salvador, the proposed rates being the same as the rates which were suspended by the Commission's said Order of August 14, 1940, Docket No. 5895,

It is ordered, That the Commission's Order dated August 14, 1940, Docket No. 5895, be, and the same is, hereby amended by inserting immediately before the first ordering paragraph of said Order, the following, to wit:

GLOBE WIRELESS, LTD.

4th Revised Page No. 377 of F.C.C. No. 11, effective September 23, 1940.
1st Revised Page No. 20 of F.C.C. No. 19, effective September 23, 1940.

It is further ordered, That a copy of the Commission's Order of August 14, 1940, and a copy of this Order amending same, be forthwith served upon the carriers parties to such schedules, that a copy of this Order be filed with the schedules in the office of the Federal Communications Commission, that a copy be posted in the office of the Secretary of the Commission, and that a copy be published in the FEDERAL REGISTER, and that Globe Wireless, Ltd., be, and it is, hereby added as a party respondent to the proceeding instituted by the Commission's said Order of August 14, 1940.

By the Commission.

[SEAL] JOHN B. REYNOLDS,
Acting Secretary.

[F. R. Doc. 40-3748; Filed, September 6, 1940; 10:23 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-165]

IN THE MATTER OF TENNESSEE GAS & TRANSMISSION COMPANY

ORDER CONTINUING DATE OF HEARING

SEPTEMBER 4, 1940.

Commissioners: Leland Olds, Chairman; Basil Manly, Clyde L. Seavey, Claude L. Draper and John W. Scott, not participating.

It appearing to the Commission that:

(a) By order dated June 28, 1940, the Commission directed that a public hearing in this proceeding be held on September 4, 1940, at 10 o'clock a. m. (E. S. T.), in the hearing room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue N.W., Washington, D. C.

(b) On August 30, 1940, Counsel for the Tennessee Gas & Transmission Company filed a petition requesting that the date for said public hearing be continued until September 23, 1940;

(c) Good cause has been shown for granting such continuance;

The Commission *orders* that:

The date of the public hearing in this proceeding, now fixed for September 4, 1940, be and it is hereby continued until September 23, 1940, at the same hour and place heretofore designated.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 40-3740; Filed, September 6, 1940; 9:26 a. m.]

INTERSTATE COMMERCE COMMISSION.

[Ex Parte No. MC-15]

AMENDED ORDER IN THE MATTER OF REGULATIONS GOVERNING THE SIZES AND WEIGHT OF MOTOR VEHICLES AND COMBINATIONS OF MOTOR VEHICLES USED BY COMMON AND CONTRACT CARRIERS IN THE TRANSPORTATION OF PASSENGERS AND BY COMMON, CONTRACT, AND PRIVATE CARRIERS IN THE TRANSPORTATION OF PROPERTY IN INTERSTATE OR FOREIGN COMMERCE

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 28th day of August, A. D. 1940.

The order of November 8, 1937, by which the above-entitled proceeding was instituted, and section 225 of the Motor Carrier Act, 1935, being under consideration, and good cause appearing therefor:

It is ordered, That the ordering paragraphs of said order be amended to read as follows:

It is ordered, That an investigation be, and it is hereby instituted into the above-described matter to enable the Commission to make a report under the provisions of said section 225 on the need for Federal regulation of the sizes and weight of motor vehicles and combinations thereof:

It is further ordered, That any party who so desires may file with us a statement of his position on the subject of this proceeding. It may take the form of comments on or criticisms of the preliminary reports released by us or it may deal independently with subjects treated in these reports or with other subjects pertinent to this investigation. All such statements should be filed in triplicate on or before November 10, 1940.

[1] 5 F.R. 2809.

[1] 5 F.R. 2910.

It is further ordered, That this proceeding be assigned for hearing, if it is determined that a hearing is required.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 40-3742; Filed, September 6, 1940; 10:02 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

IN THE MATTER OF JOHN J. MONAGHAN, DOING BUSINESS AS JOHN J. MONAGHAN & CO., 811 LINDEN STREET, ALLENTOWN, PENNSYLVANIA

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING ON THE QUESTION OF REVOCATION AND SUSPENSION OF REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 3rd day of September 1940.

I

The Commission's public official files disclose that:

John J. Monaghan, doing business as John J. Monaghan & Co., a sole proprietorship organized under the laws of the State of Pennsylvania, is registered as an over-the-counter dealer pursuant to section 15 of the Securities Exchange Act of 1934.

II

Members of its staff have reported to the Commission information obtained as a result of an investigation of said registrant which tends to show that:

A

The registration of said registrant as a dealer in securities in the State of Pennsylvania was revoked by the Pennsylvania Securities Commission on May 9, 1940.

B

Said registrant has failed to report and correct the inaccuracy of the information furnished under Items 17 and 18 of the application for registration filed on Form 1-M on June 25, 1935 with the Securities and Exchange Commission, by means of a supplemental report on Form 6-M, disclosing that registrant is no longer registered to sell securities in the State of Pennsylvania and disclosing that the registration of registrant in the State of Pennsylvania was revoked on May 9, 1940.

III

The Commission, having considered such information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statements set forth in Subparagraphs A and B of Paragraph II hereof are true;

(b) Whether said registrant has willfully violated Rule X-15B-2 adopted by the Commission pursuant to sections 15 (b), 17 (a) and 23 (a) of the Securities Exchange Act of 1934; and

(c) Whether it is in the public interest to revoke or suspend the registration of said registrant under section 15 (b) of the Securities Exchange Act of 1934.

It is ordered, That proceedings be held to determine whether the registration of John J. Monaghan, doing business as John J. Monaghan & Co., should be revoked or suspended, pursuant to the provisions of section 15 (b) of the Securities Exchange Act of 1934.

It is further ordered, That a hearing for the purpose of taking testimony be held at 10:00 a. m. on October 4, 1940, at the New York Regional Office of the Securities and Exchange Commission, 120 Broadway, New York, and that said hearing be continued at such other time and place as the Commission or officer conducting said hearing may determine; that for the purpose of said hearing Adrian C. Humphreys be and he is hereby designated as the officer of the Commission and, pursuant to section 21 (b) of the Securities Exchange Act of 1934, said officer is hereby authorized to administer oaths and affirmations, subpoena witnesses and compel their attendance, take evidence, require the production of books, papers, correspondence, memoranda and any and all other records deemed relevant or material to the matters in issue at said hearing, and to perform all other duties in connection therewith as authorized by law.

It is further ordered, That this order and notice be served on said registrant personally or by registered mail not less than seven (7) days prior to the time of hearing, or in the event of failure to serve the registrant personally or by registered mail that this order and notice be published in the FEDERAL REGISTER in the manner prescribed by the Federal Register Act.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to conclude said hearing, make his report to the Commission and transmit same with a record of this hearing to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 40-3753; Filed, September 6, 1940; 11:30 a. m.]

IN THE MATTER OF RALPH K. SHIPTON & CO., INC., 413 STATE TOWER BUILDING, SYRACUSE, NEW YORK

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING ON THE QUESTION OF REVOCATION AND SUSPENSION OF REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 3rd day of September 1940.

I

The Commission's public official files disclose that:

Ralph K. Shipton & Co., Inc., a corporation organized under the laws of the State of New York, is registered as a broker and dealer pursuant to section 15 of the Securities Exchange Act of 1934.

II

Members of its staff have reported to the Commission information obtained as a result of an investigation of said registrant which tends to show that:

A

Ralph K. Shipton, president of said registrant, was convicted on June 10, 1940 of a felony arising out of the conduct of the business of a broker and dealer.

B

Said registrant and said Ralph K. Shipton, its president, are permanently enjoined by decree of the Supreme Court of the State of New York in and for the County of Onondaga, entered May 1, 1940, from engaging in certain conduct and practices in connection with the purchase and sale of securities.

C

Said registrant has failed to report and correct the inaccuracy of the information furnished under Item 20 and Item 21 of the application for registration by means of a supplemental report on Form 6-M disclosing the fact that said Ralph K. Shipton was convicted as alleged above in Subparagraph A, and disclosing the fact that registrant and said Ralph K. Shipton are permanently enjoined as described above in Subparagraph B.

III

The Commission, having considered such information deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statements set forth in Subparagraphs A, B and C of Paragraph II hereof are true;

(b) Whether said registrant has willfully violated Rule X-15B-2 adopted by the Commission pursuant to sections 15 (b), 17 (a) and 23 (a) of the Securities Exchange Act of 1934; and

(c) Whether it is in the public interest to revoke or suspend the registration of said registrant under section 15 (b) of the Securities Exchange Act of 1934.

It is ordered, That proceedings be held to determine whether the registration of Ralph K. Shipton & Co., Inc. should be revoked or suspended, pursuant to the provisions of section 15 (b) of the Securities Exchange Act of 1934.

It is further ordered, That a hearing for the purpose of taking testimony be held at 10:00 A. M. on October 2, 1940, at the New York Regional Office of the Securities and Exchange Commission, 120 Broadway, New York, New York, and that said hearing be continued at such other time and place as the Commission or the officer conducting said hearing may determine; that for the purpose of said hearing Adrian C. Humphreys be and he is hereby authorized to administer oaths and affirmations, subpoena witnesses and compel their attendance, take evidence, require the production of books, papers, correspondence, memoranda and any and all other records deemed relevant or material to the matters in issue at said hearing, and to perform all other duties in connection therewith as authorized by law.

It is further ordered, That this order and notice be served on said registrant personally or by registered mail not less than seven (7) days prior to the time of hearing, or in the event of failure to serve the registrant personally or by registered mail that this order and notice be published in the FEDERAL REGISTER in the manner prescribed by the Federal Register Act.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to conclude said hearing, make his report to the Commission and transmit same with a record of this hearing to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-3751; Filed, September 6, 1940; 11:30 a. m.]

IN THE MATTER OF WINDSOR SECURITIES COMPANY, INC., 1002 M & T BANK BUILDING, BUFFALO, NEW YORK

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING ON THE QUESTION OF REVOCATION AND SUSPENSION OF REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 3rd day of September 1940,

I

The Commission's public official files disclose that:

Windsor Securities Company, Inc., a corporation organized under the laws of the State of New York, is registered as an over-the-counter broker pursuant to section 15 of the Securities Exchange Act of 1934.

II

Members of its staff have reported to the Commission information obtained as a result of an investigation of said registrant which tends to show that:

A

Olive M. Wholahan, president of said registrant, was convicted on May 31, 1940, of a felony arising out of the conduct of the business of a broker and dealer.

B

Said registrant and said Olive M. Wholahan, its president, are permanently enjoined by decree of the Supreme Court of the State of New York in and for the County of Erie, entered February 15, 1936, from engaging in the sale of securities in the State of New York.

C

Said registrant has failed to report and correct the inaccuracy of the information furnished under Items 20 and 21 of the application for registration, by means of a supplemental report on Form 6-M, disclosing the fact that said Olive M. Wholahan, its president, was convicted as alleged above in Subparagraph A, and disclosing the fact that said registrant and said Olive M. Wholahan, its president, are permanently enjoined as described above in Subparagraph B.

III

The Commission, having considered such information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statements set forth in Subparagraphs A, B and C of Paragraph II hereof are true;

(b) Whether said registrant has willfully violated Rule X-15B-2 adopted by the Commission pursuant to sections 15 (b), 17 (a) and 23 (a) of the Securities Exchange Act of 1934; and

(c) Whether it is in the public interest to revoke or suspend the registration of said registrant under section 15 (b) of the Securities Exchange Act of 1934.

It is ordered, That proceedings be held to determine whether the registration of Windsor Securities Company, Inc. should be revoked or suspended, pursuant to the provisions of section 15 (b) of the Securities Exchange Act of 1934.

It is further ordered, That a hearing for the purpose of taking testimony be held at 10:00 A. M. on October 5, 1940, at the New York Regional Office of the Securities and Exchange Commission, 120 Broadway, New York, New York, and that said hearing be continued at such other time and place as the Commission or officer conducting said hearing may determine; that for the purpose of said hearing Adrian C. Humphreys be and he is hereby designated as the officer of the Commission and, pursuant to section 21 (b) of the Securities Exchange Act of 1934, said officer is hereby authorized to administer oaths and affirmations, subpoena witnesses and compel their attendance, take evidence, require the production of books, papers, correspondence, memoranda and any and all other records deemed relevant or material to the matters in issue at said hearing, and to perform all other duties in connection therewith as authorized by law.

It is further ordered, That this order and notice be served on said registrant personally or by registered mail not less than seven (7) days prior to the time of hearing, or in the event of failure to serve the registrant personally or by registered mail that this order and notice be published in the FEDERAL REGISTER in the manner prescribed by the Federal Register Act.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to conclude said hearing, make his report to the Commission and transmit same with a record of this hearing to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-3752; Filed, September 6, 1940; 11:30 a. m.]